



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.**  
**1940 DUKE STREET**  
**ALEXANDRIA VA 22314**

**MAILED**

**FEB 09 2011**

In re Patent No. 7,848,558  
Issued: December 7, 2010  
Application No. 10/777,041  
Filed: February 13, 2004  
Attorney Docket No. 248939US20

**OFFICE OF PETITIONS**

**ON PETITION**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 21, 2010.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent regarding this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski  
Petitions Examiner  
Office of Petitions